




FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commissioners
Staff Director
Deputy Staff Director
General Counsel

FROM: Office of the Commission Secretary 

DATE: May 14, 2002

SUBJECT: Statement Of Reasons for MUR 5215

Attached is a copy of the Statement Of Reasons for MUR 5215
signed by Chairman David Mason, Vice-Chairman Karl Sandstrom,
Commissioner Bradley Smith, and Commissioner Danny McDonald.

This was received in the Commission Secretary's Office on
Monday, May 13, 2002 at 3:15 p.m.

cc: Vincent J. Convery, Jr.
OGC Docket (5)
Information Division
Press Office
Public Disclosure

Attachment

23-04-406-3447



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

In the Matter of)
)
Ohio Right to Life) MUR 5215
)
)

**STATEMENT OF REASONS
CHAIRMAN DAVID MASON
VICE-CHAIRMAN KARL SANDSTROM
COMMISSIONER BRADLEY SMITH
COMMISSIONER DANNY McDONALD**

On April 16, 2002, the Commission voted 4-1 to find no Reason to Believe that Ohio Right to Life violated the Federal Election Campaign Act.¹

Complainant John R. Mitchel (Independent), ran against Congressman Dave Hobson (R) in the November 2000 general election for the 7th Congressional District of Ohio. Congressman Hobson won with 67.57% of the vote and Mitchel received 5.77%.

In July 2001, Mitchel filed a complaint against two of Hobson's field office congressional staff, Eileen Austria and Chris Galm, alleging that they had improperly acted to assist in Hobson's re-election. The complaint alleges, among other things, that Galm tried to intervene when Ohio Right to Life (ORTL) endorsed Mitchel over Hobson: "According to a former volunteer at Ohio Right To Life, the organization received a phone call from a member of Dave Hobson's staff to express displeasure for their treatment of the five-term incumbent, despite the fact that he never responded to the initial endorsement questionnaire." The complaint described Galm's involvement as "electioneer[ing] on Mr. Hobson's behalf during normal working hours, using government resources, and while on the federal payroll." The complaint discussed at length the actions of the Hobson employees and did not list ORTL as a respondent. The Acting General Counsel named ORTL as an additional respondent and sent out a letter requesting a response to the complaint. Ohio Right to Life responded that it was "unable to determine what actions by Ohio Right to Life referred to in the Complaint could be regarded as violating the law."

¹ Chairman Mason, Vice Chairman Sandstrom, Commissioners Smith and McDonald voted to find no Reason to Believe. Commissioner Thomas dissented. Commissioner Toner was absent and did not vote.

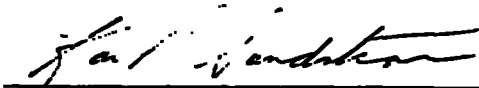
23-04-406-3448

Ohio Right to Life should not have been named as a respondent in this case because the facts alleged in the complaint, even if true, did not constitute a violation by ORTL of the Federal Election Campaign Act. The only reference to ORTL in the complaint was in passing – that Representative Hobson's staff called ORTL to urge it to change its endorsement. ORTL's endorsement of one candidate over another is not a violation of the Act and thus does not warrant naming them as a respondent. Therefore, the Commission thought it appropriate to find no Reason to Believe, as to ORTL, instead of simply closing the file in accordance with the Enforcement Priority System.

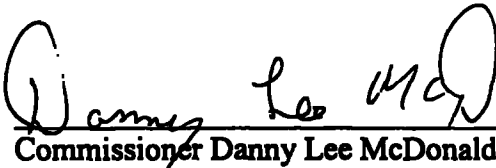
May 9, 2002



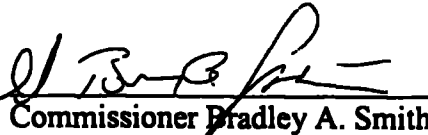
Chairman David M. Mason



Vice Chairman Karl J. Sandstrom



Commissioner Danny Lee McDonald



Commissioner Bradley A. Smith

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